



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, DC 20555 - 0001

August 29, 2014

Administrative Judge
Lawrence G. McDade, Chair
Atomic Safety and Licensing Board Panel
Mail Stop T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Administrative Judge
Dr. Richard E. Wardwell
Atomic Safety and Licensing Board Panel
Mail Stop T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Administrative Judge
Michael F. Kennedy
Atomic Safety and Licensing Board Panel
Mail Stop T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

In the Matter of
ENTERGY NUCLEAR OPERATIONS, INC.
(Indian Point Nuclear Generating Units 2 and 3)
Docket Nos. 50-247-LR and 50-286-LR

Dear Administrative Judges:

Pursuant to the Atomic Safety and Licensing Board's December 18, 2008, "Memorandum and Order (Addressing Requests that the Proceeding be Conducted Pursuant to Subpart G)," slip op. at 13, the Licensing Board's "Order (Granting Consent Motion Regarding Mandatory Disclosures)," dated January 30, 2009, at 1, the staff of the U.S. Nuclear Regulatory Commission ("Staff") herein notifies the Licensing Board and the parties that the hearing file has been supplemented for this proceeding. Materials in the hearing file may be accessed through the Agencywide Documents Access and Management System ("ADAMS"). An index containing the ADAMS accession number, date, and title or description of each item in Hearing File Index, Supplement 67 is appended hereto as Attachment 1.

On or about September 10, 2014, the documents identified in the hearing file will be made available via the Electronic Hearing Docket ("EHD"), which may be accessed at the following URL: http://ehd.nrc.gov/EHD_Proceeding/home.asp. The hearing file will be contained in a sub-folder entitled, "Indian PT Hearing File, Update 67" in the "Indian_PT_2&3_50-247&50-286-LR" folder of the EHD.

In addition, as required by 10 C.F.R. § 2.336(b)(5), the Staff is producing two logs, identifying documents withheld under the deliberative process and documents containing proprietary information; appended hereto as Attachment 2 and 3, respectively. Also attached is the Declaration of John W. Lubinski formally invoking the deliberative process privilege with respect

Judge McDade
Judge Kennedy
Judge Wardwell

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to the documents in Attachment 2. The Staff will preserve and maintain the privileged documents identified in these logs during the pendency of this proceeding.

Further, pursuant to 10 C.F.R. § 2.336(c), attached is the Affidavit of Kimberly J. Green, certifying that all relevant materials required by this section have been disclosed, and that the disclosures are accurate and complete as to documents identified by August 22, 2014.

Finally, the NRC Staff notes that it has made a good faith effort to identify and characterize all documents meeting the criteria of 10 C.F.R. § 2.336(b) and 10 C.F.R. § 2.1203 in this proceeding. In identifying these documents, the Staff does not concede their relevance to the license renewal issues to be decided in this proceeding.

Sincerely,

/Signed (electronically) by/
Anita Ghosh
Counsel for NRC Staff

Enclosures: Attachment 1 - Hearing File Index, Supplement 67
Attachment 2 - Deliberative Process Privilege Log
Attachment 3 - Proprietary Information Log
Declaration of John W. Lubinski
Affidavit of Kimberly J. Green

cc w/Encls.: Service List

Attachment 1 - Indian Point License Renewal Hearing File Index
Supplement 67 – August 29, 2014

ID#	Accession Number	Document Date	Title
67-0001	ML14230A005	07/25/2014	Consistency of the Indian Point Nuclear Generating Units Nos. 2 and 3 License Renewal Application with New York State Coastal Management Program - Request to Strike and Disregard July 15, 2014 Letter from Entergy to NRC Staff.
67-0002	ML14206B128	08/01/2014	June 19, 2014 & July 16, 2014 Summary Of Conference Calls Held between The U.S. Nuclear Regulatory Commission And Entergy Nuclear Operations, Inc., Regarding Entergy Response to a Request for Additional Information.
67-0003	ML14217A211	08/04/2014	Addendum to the "Proposed Monitoring Plan for Indian Point Energy Center Take of Atlantic and Shortnose Sturgeon by Impingement at Cooling Water Intakes, Revision 2" 13 June 2014.
67-0004	ML14217A215	08/04/2014	Implementation Schedule for Revision 2 Sturgeon Monitoring Plan at IPEC.
67-0005	ML14217A218	08/04/2014	Indian Point Sturgeon Impingement Quality Assurance Plan and Standard Operating Procedures.
67-0006	ML14217A207	08/04/2014	M. Mattson, Normandeau, to D. Gouveia, NMFS, Addendum to the "Proposed Monitoring Plan for Indian Point Energy Center Take of Atlantic and Shortnose Sturgeons by Impingement at Cooling Water Intakes Revision 2".
67-0007	ML14218A170	08/05/2014	2014/08/05 Indian Point LR Hearing - Discussion on Aquatics
67-0008	ML14218A174	08/05/2014	2014/08/05 Indian Point LR Hearing - FW: IPEC License Renewal - Revised Response to RAI 11-C
67-0009	ML14218A614	08/05/2014	2014/08/05 Indian Point LR Hearing - IPEC License Renewal - Revised Response to RAI 11-C
67-0010	ML14218A178	08/05/2014	2014/08/05 Indian Point LR Hearing - RE: IPEC License Renewal - Revised Response to RAI 11-C
67-0011	ML14225A777	08/05/2014	Indian Point, Units 2 & 3, Reply to Request for Additional Information Regarding License Renewal Application.
67-0012	ML14219A719	08/07/2014	2014/08/07 Indian Point LR Hearing - Draft RAIs re: Indian Point Aquatic Impacts
67-0013	ML14220A076	08/08/2014	2014/08/08 Indian Point LR Hearing - RE: Draft RAIs re: Indian Point Aquatic Impacts
67-0014	ML14226A227	08/14/2014	2014/08/14 Indian Point LR Hearing - RE: Draft RAIs re: Indian Point Aquatic Impacts
67-0015	ML14217A206	08/14/2014	Indian Point Nuclear Generating, Units 2 and 3, Respect for Withholding Information from Public Disclosure (TAC NOS. MD5407 and MD5408).
67-0016	ML14219A674	08/14/2014	July 15, 2014 Summary Of Telephone Conference Call Held between U.S. Nuclear Regulatory Commission And Entergy Nuclear Operations, Inc., Concerning The Environmental Review Of The Indian Point Nuclear Generating Unit Nos. 2 And 3, License Renewal.
67-0017	ML14206B174	08/14/2014	Review of Draft Audit Report Regarding Indian Point Nuclear Generating Unit Nos 2 and 3, License Renewal Application. [Enclosure containing proprietary information was removed.]
67-0018	ML14230A899	08/18/2014	2014/08/18 Indian Point LR Hearing - RE: Draft RAIs re: Indian Point Aquatic Impacts
67-0019	ML14232A377	08/20/2014	2014/08/20 Indian Point LR Hearing - Draft Telecon Summary for Call on July 30, 2014
67-0020	ML14220A317	08/20/2014	Environmental Project Manager Change for the License Renewal of Indian Point Nuclear Generating Unit Nos. 2 and 3
67-0021	ML14234A195	08/22/2014	2014/08/22 Indian Point LR Hearing - RE: Draft RAIs re: Indian Point Aquatic Impacts

Attachment 1 - Indian Point License Renewal Hearing File Index
Supplement 67 – August 29, 2014

ID#	Accession Number	Document Date	Title
67-0022	ML14234A002	08/22/2014	2014/08/22 Indian Point LR Hearing - RE: Draft Telecon Summary for Call on July 30, 2014

Attachment 2 - Indian Point License Renewal Hearing File Index
Deliberative Process Privilege, Supplement 67 – August 29, 2014

Certain documents otherwise subject to inclusion in the hearing file and mandatory disclosures for this proceeding have been determined by the NRC Staff to contain information subject to withholding from public disclosures as predecisional, deliberative information. Pursuant to 10 C.F.R. § 2.336(b)(5), the Staff is providing this log to identify the following documents, withheld under the "deliberative process" privilege.

ID #	Accession Number	Author Name & Author Affiliation	Title	Document Date	Document Type	Addressee Name & Addressee Affiliation	Comment	Estimated Page Count
DP-67-001	ML14212A806	M.Wentzel, NRC/NMSS	2014/07/31 Indian Point LR Hearing - FW: Word version of App. G from 2010	07/31/2014	E-Mail	K.Green, NRC/NRR/DLR	OGC comments/ input on draft FSEIS. Also withheld under Attorney Work Product and Attorney-Client Privileges	54
DP-67-002	ML14212A807	M.Wentzel, NRC/NMSS	2014/07/31 Indian Point LR Hearing - RE: Word version of App. G from 2010	07/31/2014	E-Mail	K.Green, NRC/NRR/DLR	OGC comments/ input on draft FSEIS. Also withheld under Attorney Work Product and Attorney-Client Privileges	56
DP-67-003	ML14212A805	A.Stuyvenberg, NRC/NMSS	2014/07/31 Indian Point LR Hearing - Word version of App. G from 2010	07/31/2014	E-Mail	M.Wentzel, NRC/NMSS	OGC comments/ input on draft FSEIS. Also withheld under Attorney Work Product and Attorney-Client Privileges	54

Attachment 2 - Indian Point License Renewal Hearing File Index
Deliberative Process Privilege, Supplement 67 – August 29, 2014

ID #	Accession Number	Author Name & Author Affiliation	Title	Document Date	Document Type	Addressee Name & Addressee Affiliation	Comment	Estimated Page Count
DP-67-004	ML14218A995	D.Logan, NRC/NRR/DLR	2014/08/06 Indian Point LR Hearing - DRAFT: Current Data Needs from Entergy - 4.docx	08/06/2014	E-Mail	M.Wentzel, NRC/NMSS	Internal discussion of draft RAI (attached)	5
DP-67-005	ML14218A997	M.Wentzel, NRC/NMSS	2014/08/06 Indian Point LR Hearing - RE: DRAFT: Current Data Needs from Entergy - 4.docx	08/06/2014	E-Mail	D. Logan, NRC/NRR/DLR	Internal discussion of draft RAI.	2
DP-67-006	ML14219A312	D. Logan, NRC/NRR/DLR	2014/08/06 Indian Point LR Hearing - RE: DRAFT: Current Data Needs from Entergy - 4.docx	08/06/2014	E-Mail	M.Wentzel, NRC/NMSS	Internal discussion of draft RAI.	2
DP-67-007	ML14220A077	K.Green, NRC/NRR/DLR	2014/08/08 Indian Point LR Hearing - ACTION REQUEST: SER Input	08/08/2014	E-Mail	D.Morey, NRC/NRR/DLR	Internal discussion of NRC staff review.	2
DP-67-008	ML14220A370	J.Medoff, NRC/NRR/DLR	2014/08/08 Indian Point LR Hearing - Draft RAI on Condensate System AMR Items for Fatigue	08/08/2014	E-Mail	D.Morey, NRC/NRR/DLR	Internal discussion of draft RAI.	3

Attachment 2 - Indian Point License Renewal Hearing File Index
Deliberative Process Privilege, Supplement 67 – August 29, 2014

ID #	Accession Number	Author Name & Author Affiliation	Title	Document Date	Document Type	Addressee Name & Addressee Affiliation	Comment	Estimated Page Count
DP-67-009	ML14220A078	J.Medoff, NRC/NRR/DLR	2014/08/08 Indian Point LR Hearing - RE: ACTION REQUEST: SER Input	08/08/2014	E-Mail	K.Green, NRC/NRR/DLR D.Morey, NRC/NRR/DLR	Internal discussion of NRC staff review.	3
DP-67-010	ML14220A079	K.Green, NRC/NRR/DLR	2014/08/08 Indian Point LR Hearing - RE: ACTION REQUEST: SER Input	08/08/2014	E-Mail	J.Medoff, NRC/NRR/DLR D.Morey, NRC/NRR/DLR	Internal discussion of draft RAI.	3
DP-67-011	ML14230A889	J.Medoff, NRC/NRR/DLR	2014/08/15 Indian Point LR Hearing - Forwarding for Incorporation into Supplement SER - Indian Point Supp SER - Revised Fatigue AMRs for Condensate System - Basis for deleting AMR items on "cracking - fatigue"	08/15/2014	E-Mail	K.Green, NRC/NRR/DLR	Internal discussion of draft SER input (attached)	4

Attachment 2 - Indian Point License Renewal Hearing File Index
Deliberative Process Privilege, Supplement 67 – August 29, 2014

ID #	Accession Number	Author Name & Author Affiliation	Title	Document Date	Document Type	Addressee Name & Addressee Affiliation	Comment	Estimated Page Count
DP-67-012	ML14230A892	J.Medoff, NRC/NRR/DLR	2014/08/15 Indian Point LR Hearing - FW: Forwarding for Incorporation into Supplement SER - Indian Point Supp SER - Revised Fatigue AMRs for Condensate System - Basis for deleting AMR items on "cracking - fatigue"	08/15/2014	E-Mail	K.Green, NRC/NRR/DLR	Internal discussion of draft SER input (attached)	4
DP-67-013	ML14231A163	W.Holston, NRC/NRR/DLR	2014/08/19 Indian Point LR Hearing - RE: Revision to Draft SER Input	08/19/2014	E-Mail	K.Green, NRC/NRR/DLR	Internal discussion of draft SER input (attached)	4
DP-67-014	ML14231A162	K.Green, NRC/NRR/DLR	2014/08/19 Indian Point LR Hearing - Revision to Draft SER Input	08/19/2014	E-Mail	W.Holston, NRC/NRR/DLR	Internal discussion of draft SER input (attached)	4
DP-67-015	ML14234A194	K.Green, NRC/NRR/DLR	2014/08/22 Indian Point LR Hearing - Draft RAI for your review	08/22/2014	E-Mail	M.Marshall, NRC/NRR/DLR	Internal discussion of draft RAI (attached)	5

Attachment 3 - Indian Point License Renewal Hearing File Index
Proprietary Information, Supplement 67 – August 29, 2014

Certain documents otherwise subject to inclusion in the hearing file and mandatory disclosures for this proceeding have been determined by the NRC Staff to contain trade secrets, privileged or confidential commercial or financial information or personally identifiable information (PII). Pursuant to 10 C.F.R. § 2.336(b)(5), the Staff is providing this log to identify the following documents, which are designated proprietary and are subject to protected status under Section 2.390.

ID #	Accession Number	Author Name & Author Affiliation	Title	Document Date	Document Type	Addressee Name & Addressee Affiliation	Comment	Estimated Page Count
PPI-67-001	ML14206B175	NRC/NRR/DLR/RAPB	Transmittal of Draft Audit Report Enclosure (redacted).	08/14/2014	Audit Report		Aging Management Audit Report for audit conducted 04/24-25/14 at Westinghouse in Rockville, MD, re: IP2/IP3 Reactor Vessel Internals AMP	5

August 29, 2014

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
ENTERGY NUCLEAR OPERATIONS, INC.)	Docket Nos. 50-247-LR, 50-286-LR
)	
(Indian Point Nuclear Generating Units 2 and 3))	

DECLARATION OF JOHN W. LUBINSKI

I, John W. Lubinski, do hereby state as follows:

1. I am employed as the Director of the Division of License Renewal (DLR) in the U.S. Nuclear Regulatory Commission's (NRC) Office of Nuclear Reactor Regulation (NRR). My supervisory responsibilities include oversight of the NRC Staff's review and evaluation of the Indian Point Nuclear Generating Units 2 and 3 license renewal application.

2. As part of their responsibilities in updating the hearing file and mandatory disclosures for these proceedings, NRC staff members under my supervision identified documents as privileged because they contained information concerning the Staff's pre-decisional deliberative process. The documents are listed in Attachment 2 to the submission of the Staff's Hearing File Index Supplement 67.

3. I have personally reviewed the documents identified as privileged in Attachment 2, and have determined, in accordance with the guidance set forth in Management Directive 3.4, that they contain pre-decisional information concerning the Staff's review of the license renewal application. The documents contain either the Staff's analyses, recommendations, opinions, or evaluations, and may not necessarily reflect the final agency

position with respect to the matters discussed therein. The documents comprise part of the deliberative process necessary for the Staff's review of the pending license renewal application.

4. Further, I have determined that disclosure of the documents could result in harm to the agency, in that it would (a) prematurely disclose the preliminary views of individual Staff members and/or the Staff prior to reaching a final agency decision, and could thus create confusion as to the actual policy or views of the NRC Staff; (b) hinder the efficiency of the Staff, in that forced disclosure of its internal discussions on an unresolved issue would tend to chill all future deliberations and would interfere with the Staff's ability to engage in a free exchange of opinions and analyses prior to publishing its final review documents; and (c) imply or suggest incorrectly that the opinions of the Staff members involved in these communications are actually the final decisions of the agency, while no such final decision has yet been made.

5. Accordingly, I formally invoke the deliberative process privilege with respect to the documents listed in Attachment 2 to the submission of the Staff's Hearing File Index Supplement 67.

6. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

Executed in Accord with 10 CFR 2.304(d)

John W. Lubinski

Executed in Rockville, Maryland
this 29th day of August, 2014

August 29, 2014

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
ENTERGY NUCLEAR OPERATIONS, INC.)	Docket Nos. 50-247-LR, 50-286-LR
)	
)	
(Indian Point Nuclear Generating)	
Units 2 and 3))	

AFFIDAVIT OF KIMBERLY J. GREEN CONCERNING
MANDATORY DISCLOSURE REQUIREMENT OF 10 C.F.R. § 2.336(b)

I, Kimberly J. Green, do hereby state as follows:

1. I am employed as a Senior Mechanical Engineer in the Division of License Renewal in the U.S. Nuclear Regulatory Commission's (NRC) Office of Nuclear Reactor Regulation. I serve as the hearing file project manager for the Indian Point Nuclear Generating Units 2 and 3 license renewal application (LRA). Among other things, I am assisting with the preparation of the hearing file and mandatory disclosures in connection with the LRA at issue in this proceeding.
2. I hereby certify that all relevant materials required to be disclosed pursuant to 10 C.F.R. § 2.336 (b) and (c) in the captioned proceeding have been disclosed, and that the disclosures are accurate and complete for documents identified as of August 22, 2014.
3. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

Executed in Accord with 10 CFR 2.304(d)

Kimberly J. Green

Executed in Rockville, Maryland
this 29th day of August 2014

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
ENTERGY NUCLEAR OPERATIONS, INC.)	Docket Nos. 50-247-LR, 50-286-LR
)	
(Indian Point Nuclear Generating)	
Units 2 and 3))	

CERTIFICATE OF SERVICE

Pursuant to 10 C.F.R § 2.305 (revised), I hereby certify that copies of the foregoing Letter to the Atomic Safety and Licensing Board regarding the Indian Point Hearing File, including: Attachment 1 - Indian Point License Renewal Hearing File Index Supplement 67; Attachment 2 – Indian Point License Renewal Hearing File Index Supplement 67 – Deliberative Process Privilege; Attachment 3 – Indian Point License Renewal Hearing File Index Supplement 67 – Proprietary Information; Declaration of John W. Lubinski, dated August 29, 2014; and Affidavit of Kimberly J. Green, dated August 29, 2014, in the above-captioned proceeding have been served upon the Electronic Information Exchange, the NRC's E-Filing System, this 29th day of August, 2014.

/Signed (electronically) by/

Anita Ghosh
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Telephone: (301) 415-4113
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Date of signature: August 29, 2014